

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

IN RE:)	CHAPTER 11
)	
JEAN RHUDY STEUSLOFF,)	CASE NO. 23 – 21099 - JRS
)	
DEBTOR.)	

**UNITED STATES TRUSTEE’S MOTION TO CONVERT OR DISMISS CASE
OR FOR ENTRY OF A SCHEDULING ORDER**

Mary Ida Townson, United States Trustee for Region 21 (“United States Trustee”), pursuant to 28 U.S.C. § 586(a)(3), respectfully moves the Court to dismiss this case or convert it to chapter 7. In the alternative, the United States Trustee requests the Court enter an order establishing deadlines and parameters for Jean Rhudy Steusloff to timely satisfy filing requirements. In support of this motion, the United States Trustee shows the Court as follows.

1. On September 29, 2023, Debtor filed a voluntary petition for relief under chapter 11 of the United States Code, 11 U.S.C. §§ 101, et seq. (the “Bankruptcy Code”), in the United States Bankruptcy Court for the Northern District of Georgia.

2. The United States Trustee is a party in interest and may raise and may appear and be heard on any issue in any case of proceeding under title 11. 11 U.S.C. § 307. Pursuant to 28 U.S.C. § 586(a)(3), the United States Trustee’s duties include supervising the administration of chapter 11 cases.

3. Bankruptcy Code section 1112(b)(1) provides that:

... on request of a party in interest, and after notice and a hearing, absent unusual circumstances.....the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the

estate, if the movant establishes cause.

4. Bankruptcy Code section 105(d)(1) provides that, on request of a party in interest, the Court shall hold a status conference as necessary to further the expeditious and economical resolution of the case. Bankruptcy Code section 105(d)(2) authorizes the Court to issue an order at any such status conference prescribing such limitations and conditions as the Court deems appropriate to ensure the case is handled expeditiously and economically, including an order that sets a date by which the debtors shall file a plan and disclosure statement and a date by which the debtors shall solicit acceptances of a plan.

Debtor's Failure to Timely Satisfy Reporting Requirements

5. Bankruptcy Code section 704(a)(8) requires the Debtor file with the Court and the United States Trustee periodic reports and summaries of the operation of its business, including a statement of receipts and disbursements, and such other information as the United States Trustee or the Court requires. Federal Rule of Bankruptcy Procedure 2015(a) directs chapter 11 debtors-in- possession to file the reports and summaries required by section 704(a)(8). The United States Trustee is responsible for ensuring all reports, schedules, and fees required to be filed by a debtor are properly and timely filed, monitor the progress of the case, and take the necessary action to prevent undue delay in such progress. 28 U.S.C. § 586 (a)(3)(D) and (G). Accordingly, the United States Trustee for Region 21 has established Operating Guidelines and Reporting Requirements for Debtors in Possession and Trustees (the "Guidelines"). The Guidelines explicitly state that compliance is essential and that the debtor's failure to comply may result in the United States Trustee filing a motion to dismiss or convert the case, a motion for appointment of a chapter 11 trustee or an examiner, or a motion for sanctions.

6. The electronic docket maintained by the Clerk of Court reflects that the Debtor has failed to file her last three monthly operating reports, for January 2024, February 2024, and March 2024.

7. Bankruptcy Code section 1112(b)(4)(F) provides that “unexcused failure to satisfy timely any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter” constitutes cause for dismissal or conversion of the case. Bankruptcy Code section 1112(b)(4)(H) provides that “failure timely to provide information or attend meetings reasonably requested by the United States trustee” constitutes cause for dismissal or conversion of the case.

WHEREFORE, the United States Trustee respectfully requests that this Court dismiss this case or convert this case to chapter 7, or in the alternative, establish deadlines and parameters for the debtor to timely satisfy reporting requirements and file and prosecute a plan.

Dated: April 23, 2024

MARY IDA TOWNSON
UNITED STATES TRUSTEE REGION 21

By: /s/ David S. Weidenbaum
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CERTIFICATE OF SERVICE

This is to certify that I have on this day electronically filed the foregoing *United States Trustee's Motion to Convert or Dismiss Case and for Status Conference* using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following party who has appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

Will B. Geer on behalf of Debtor Jean Rhudy Steusloff

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Dated: April 23, 2024

MARY IDA TOWNSON
UNITED STATES TRUSTEE
REGION 21

By: /s/ David S. Weidenbaum
David S. Weidenbaum